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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to refer to the letter dated 26 May 1992 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council, circulated as document S/24002 of 26 May 1992. In that letter, reference is made to letters dated 1 April and 21 May 1992 from the Executive Chairman of the Special Commission respectively to the Vice-Chairman of the Military Industrial Corporation of Iraq, General Amer Rashid, and the Minister of State for Foreign Affairs of Iraq, Mr. Muhammad Said al-Sahhaf. These letters, together with a further letter dated 2 April 1992 from the Executive Chairman to General Amer Rashid, are transmitted herewith for the information of the members of the Security Council.

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Annex I

Letter dated 1 April 1992 from the Executive Chairman of the Special Commission addressed to the Vice-Chairman of the Military Industrial Corporation of Iraq

During the meetings in New York on 12 and 13 March, you suggested that a team of experts from the Special Commission visit Baghdad early April. The aim of the visit would be for the team to review documents prepared by Iraq by that time containing the full, final and complete disclosure of its programmes of weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres as required by resolution 707 (1991) as well as the initial declarations required by the plan for ongoing monitoring and verification under resolution 715 (1991).

This visit would be appropriate if there were a clear acknowledgement by Iraq of its obligations under Security Council resolutions 707 and 715 (1991) and under the plans approved by resolution 715 (1991). In the absence of such an acknowledgement, the credibility of any declarations would be put into question and this potentially valuable idea would fail to serve a useful purpose. If, however, the acknowledgements were given, the visit could become a part of the full implementation of the resolutions and decisions of the Security Council, including those contained in the statements of the President of the Council on 19 and 28 February and 12 March.

If these political prerequisites are met, the Special Commission would need to receive ahead of the visit the final draft documents. The preliminary study of those by our experts in New York would make the subsequent discussions in Baghdad more productive.

In a separate letter I am conveying to you some observations resulting from the review of the preliminary drafts made available to the Special Commission by the Iraqi delegation during the meetings in New York on 12 and 13 March.

(Signed) Rolf EKÉUS
Executive Chairman
Office of the Special Commission

Annex II

Letter dated 2 April 1992 from the Executive Chairman of the Special Commission addressed to the Vice-Chairman of the Military Industrial Corporation of Iraq

The experts of the Special Commission have reviewed the preliminary draft declarations that were made available to the Commission on an unofficial basis by the Iraqi technical team during the meetings in New York on 12 and 13 March.

It is the view of the Commission that these drafts need further work to ensure that the declarations to be submitted by Iraq correspond - both in substance and in format - to the requirements of the Plan for ongoing monitoring and verification (S/22871/Rev.1) approved by the Security Council in its resolution 715 (1991). During the meetings in March, the Special Commission's experts have already given, in response to the queries of the Iraqi team, explanations as regards the requirements to provide detailed information, as outlined in the plan, on imports including suppliers and other details and where required information on operational issues. The review of the drafts has prompted the following additional remarks.

I would like to reiterate the basic point of the whole concept behind the plan. The aim of the plan is to establish a mechanism through which the Special Commission would monitor and verify items, sites and facilities that are elements of activities non-prohibited under resolution 687 (1991) but which could also be used for prohibited activities related to chemical and biological weapons or ballistic missiles with a range greater than 150 kilometres. It is assumed that the issues concerning all items and facilities prohibited by resolution 687 (1991) would be resolved under that resolution. However, some items or facilities might still require long-term monitoring and verification under the plan. Nevertheless the prime focus of the plan is on items, facilities and sites that were or are engaged in non-prohibited activities but which - because of their nature and capabilities - could be diverted to activities proscribed under resolution 687 (1991). This principle of monitoring dual-purpose items and facilities to ensure that no proscribed activities take place is a well-established approach in a number of multilateral and bilateral arms control and disarmament treaties in force or under negotiation including on chemical and biological weapons.

The declarations to be provided by Iraq under the plan for ongoing monitoring and verification should contain all required information on activities, sites, facilities, material and other items, both military and civilian, that might be used for purposes prohibited under paragraph 10 of resolution 687 (1991). The substantive requirements for such declarations and their formats are defined in relevant sections and annexes of the plan.

Our review of the drafts received at the meetings in March showed that the drafts in their present form are not fully in line with the prime focus of the plan and lack important information required by the plan. We assume that they would be reworked pursuant to the discussions held in New York in March. Nevertheless, we would like to point to some aspects to assist you in the preparation of the complete declarations under the plan. Evidently these comments cannot cover all the requirements outlined in the plan as the Special Commission does not possess information on all relevant items, facilities and activities in Iraq; they are intended to be illustrative rather than exhaustive.

In the missile area, for example, information should be provided on all missiles, including on any project and any site specified in the plan for such missiles designed for use, or capable of being modified for use, in a surface-to-surface role with a range greater than 50 kilometres. Although some of these missiles were mentioned in the list in annex A, appendix 1, of the draft on missiles the relevant facilities were not clearly identified and described; some missiles and the relevant sites and facilities have not been mentioned at all in the list, for example Saqr-200, Ababil-100, surface-to-air missiles. The information on shorter range missiles and relevant sites and facilities is necessary to verify that they are not modified to become prohibited types of missiles nor are used as sites and facilities for production/repair thereof. The same goes for information on any project or any site or facility for missile research, development, modification or testing so that the Special Commission may monitor that they are not diverted to proscribed purposes.

In the chemical area we note practically no information on sites and facilities associated with the prohibited activities involving the five declared chemicals, except phosgene, identified on list A of annex II of the plan. Other required information has been found lacking for example on imports, financing, production capacities etc. No mention is made of the planned activities that are referred to in paragraph 30 (d) of the plan. The information on quantities of material should be conducive, if necessary through additional explanations, to establishing "material balances" for declared activities.

In the biological area the material in the pertinent draft declaration although containing many relevant data is not organized in such a way as to answer directly the requests for information outlined in section D (paras. 35 and 36) and annex III of the plan.

Under the plan (paras. 20 and 21) Iraq is asked to adopt, and inform the Special Commission of, legislative and administrative measures taken to implement relevant Security Council resolutions and the plan. This information was not found in the drafts.

The review of the drafts reveals that the format of the presentation of the information in many cases does not follow the parameters established by the provisions of the plan. The format also differs from one section of the

drafts to another. The information should be presented in a form required by the plan in a clear and consistent manner to allow the Special Commission to establish a clear and unobscured picture of Iraq's relevant capabilities for monitoring and verification purposes and to prevent any misunderstandings from the very beginning of the practical implementation of the plan. For these reasons it is important that Iraq respond completely to every request for information contained in the plan and its annexes; in cases where there is no information to report under a specific request Iraq should provide nil returns. It would be helpful if cross-references would be made to appropriate paragraphs of the sections or the annexes of the plan under which the specific information is provided.

Finally, I need to stress once again the point that was made during our meetings in New York. Without the clear acknowledgement by the Government of Iraq of its obligations under resolution 715 (1991), there would be no firm political basis for the proper implementation of Security Council resolution; the credibility of the declarations by Iraq would be greatly undermined. If this remains the situation, then the Special Commission would still not be in a position to report to the Security Council that the resolutions and decisions of the Council including those in the statement of the President of the Council made on the conclusion of the Council's meetings on 11 and 12 March are being complied with fully.

(Signed) Rolf EKÉUS
Executive Chairman
Office of the Special Commission

Annex III

Letter dated 21 May 1992 from the Executive Chairman of the Special Commission addressed to the Minister of State for Foreign Affairs of Iraq

The Special Commission (UNSCOM) will shortly have to prepare a report for the Security Council on the state of Iraq's compliance with the relevant Council resolutions in connection with the Council's 60-day review of the provisions of paragraph 20 of Council resolution 687 (1991). Unless there are positive developments on the initiative of Iraq in the near future, the Special Commission will have no alternative but to conclude that no progress has been made in obtaining from Iraq any of the following:

(a) The full, final and complete disclosure, as required by resolutions 687 (1991) and 707 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes;

(b) The acknowledgement of its obligations under Security Council resolution 707 (1991) and 715 (1991) and under the plans for ongoing monitoring and verification approved by resolution 715 (1991) (S/22871/Rev.1 and S/22872/Rev.1 and Corr.1);

(c) The provision of the declarations called for under the plans.

After the visit of the Deputy Prime Minister to New York in March 1992, it had been the Commission's understanding from its discussions with the representatives of Iraq that positive developments in these respects would be forthcoming by early April 1992. More than a month after that date, this has proved not to be the case. Thus, the Security Council's hope that the goodwill expressed by the Deputy Prime Minister of Iraq would be matched by deeds has so far not been met in all the important respects listed above. The Commission will be obliged to report likewise on the issue of airport facilities for its fixed-wing aircraft, which was the subject of my letter to you of 10 April 1992. You will recall that I suggested, in order to avoid an early formal determination by the Commission that Rasheed airport is the most appropriate for its work, that the Government if Iraq should propose to the Commission an airport in Baghdad and agree to the modalities for its use. That report will also have to record that the situation at Habbaniyah airport has deteriorated as a result of the actions of the Iraqi authorities.

I have written this letter to you in an effort to seek from Iraq a practical manifestation of the cooperation which had been promised, but which has not been forthcoming, and so that you may be aware of what I will otherwise be obliged to report to the Council.

(Signed) Rolf EKÉUS
Executive Chairman
Office of the Special Commission